

DELTA PROTECTION COMMISSION

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Subject: Advisory Comments on the Draft Ecosystem Restoration Program Plan (ERPP);
Summary and Three Volumes

Dear Mr. Snow:

I am writing on behalf of the Delta Protection Commission to submit comments on the Draft ERPP. The Delta Protection Commission is submitting these advisory comments based on the goals of the Delta Protection Act of 1992 and on the policies in the Commission's adopted plan for the Primary Zone of the Delta.

While the Commission supports the overall CALFED planning process and its extraordinary mandate to resolve the conflicting issues concerning water and wildlife in the Delta, the Commission is concerned that the vast acreage proposed for restoration to tidal and nontidal wetlands will have a devastating effect upon the agricultural land uses in the Delta Primary Zone. The suggested land use changes could have widespread and detrimental socio-economic impacts on the entire Legal Delta and surrounding area.

This appears to be in violation of one of the six CALFED solution principles which states "No Significant Redirected Impacts: A solution will not solve problems in the Bay-Delta system by redirecting significant negative impacts, when viewed in its entirety, in the Bay-Delta or other regions of California.

The Draft ERPP recommends restoration of between 110,000 and 140,000 acres of tidal perennial aquatic habitat, tidal and nontidal fresh emergent wetland habitat, nontidal seasonal wetland habitat, and perennial grassland habitat in the Sacramento-San Joaquin Delta Ecological Zone (complete figures were not included for riparian and riverine aquatic habitat) (See enclosure). There are currently 527,309 acres in agricultural use in the Legal Delta, of which 378,160 acres are in the Delta Primary Zone (DWR, 1993), the Commission's area of authority. It is likely most of the restoration will take place in the Primary Zone of the Delta, as the Secondary Zone includes extensive areas of urban development within West

Sacramento, Sacramento, Sacramento County, Stockton, Discovery Bay, Byron, Bethel Island, Brentwood, Antioch, Pittsburg, and Isleton.

The Delta Protection Act of 1992 finds and declares that the basic goals of the State of California for the Delta are to "protect, maintain, and, where possible, enhance and restore the overall quality of the delta environment, including, but not limited to, agriculture, wildlife habitat, and recreational activities". To that end, the Commission is charged with assuring orderly, balanced conservation and development of Delta land resources. The Act and the Commission's adopted plan recognize the value of the Delta's agricultural lands and the unique value of these lands for open space and as seasonal habitat for migratory waterfowl and other species. A key component of the Act and the plan is protection of the Delta's levee system which provides flood protection and protects Delta water quality from salinity intrusion.

The policies in the Commission's plan have been incorporated into the General Plans of the five counties in the Delta Primary Zone. Those policies recognize the value of the region's agricultural lands and the unique opportunities for seasonal wildlife habitat afforded thereon, and the value of its water-oriented and wildlife-oriented recreation.

The Draft ERPP should be revised to focus enhancement and restoration efforts as follows:

Restoration and/or enhancement of lands currently in public and/or nonprofit ownership (or currently in the acquisition process) and designated for restoration, including Twitchell Island, Sherman Island, and Prospect Island. Approximately 35,000 acres fall in this category.

Acquisition and/or enhancement of currently flooded lands to create and/or enhance emergent habitat, including Franks Tract, Big Break, Mildred Island, Little Mandeville Island, etc. Approximately 7,000 acres fall in this category.

Development and implementation of management plans for upland areas already in public or nonprofit ownership, including Calhoun Cut Ecological Preserve (approximately 1,000 acres), Rhode Island, etc.

Development and implementation of individual management plans for private agricultural properties and development of funds to offset costs of voluntary implementation of such plans (plans could include flooding programs, enhanced levees and pumps to enhance flooding and drainage, recommended crop rotation cycles, size and location of permanent brood ponds, etc.)

Development and implementation of individual management plans for privately-owned lands managed for wildlife habitat, such as duck clubs and upland hunting clubs, and development of funds to offset costs of voluntary implementation of such plans.

Control of stressors should be revised to avoid duplication with existing regulatory programs, such as existing dredging "windows", and the programs that are developed should respect the needs of existing land uses, such as water-oriented recreation. Where funds are needed to carry out specific programs, those funds should be made available to private landowners to implement CALFED programs.

Protection, enhancement and restoration of in-channel islands and waterside berms.

Acquisition and retirement of additional privately owned agricultural lands should be conditioned to ensure: (1) proposed restoration projects will not adversely impact Delta water quality, particularly salinity levels; (2) proposed actions would not adversely impact existing uses or adjoining lands or adjacent islands; and (3) acquisition would be on a willing seller basis only.

In its discussion of the Draft ERPP, the Commission noted that under the California Environmental Quality Act (CEQA) the conversion of prime agricultural land to non-agricultural use or impairment of the agricultural productivity of prime agricultural land will result in a significant effect on the environment. Full analysis of the effects of the proposed conversion of prime agricultural land in the Legal Delta, and the associated economic and social impacts will be evaluated in the Draft Environmental Impact Report/Environmental Impact Statement, however, it might be appropriate to recognize the predicted impacts as part of the Draft ERPP.

The Commission understands that the Draft ERPP is the first step in the development of a plan to cover extensive portions of the State of California and that CALFED will also be preparing a habitat conservation plan for the Delta area. The habitat conservation plan would be more specific in scope, and would address in more detail many aspects only generally described in the ERPP.

We would like to work with CALFED to develop a reasonable and effective plan, and implement an ecosystem restoration program in the Delta Primary Zone to protect and enhance wildlife habitat, while protecting the unique agricultural resources of the area and recreational opportunities in the Delta.

Sincerely,

Patrick N. McCarty
Chairman

Enclosure